

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above.

I. DISPUTE

1.
 - a. Whether there should be additional reimbursement for date of service 8-31-01.
 - b. The request was received on 8-8-02.

II. EXHIBITS

1. Requestor, Exhibit I:
 - a. TWCC 60 and Letter Requesting Dispute Resolution
 - b. TWCC66a
 - c. EOBs
 - d. Product Information
 - e. Red Book RX products pricing (ReadyPrice)
 - f. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
2. Respondent, Exhibit II:
 - a. Letter responding to Request for Dispute Resolution
 - b. EOB
 - c. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
3. Per Rule 133.307 (g) (3), the Division forwarded a copy of the requestor's 14 day response to the insurance carrier on 9-5-02. Per Rule 133.307 (g) (4) or (5), the carrier representative signed for the copy on 9-6-02. The response from the insurance carrier was received in the Division on 9-12-02. Based on 133.307 (i) the insurance carrier's response is timely.
4. Notice of Additional Information submitted by Requestor is reflected as Exhibit III of the Commission's case file.

III. PARTIES' POSITIONS

1. Requestor: Letter dated 8-28-02.
"We have submitted a claim to the Carrier for date of service 08-31-01 for one liter of aloe liniment in the amount of \$45.86. Total dollar amount in dispute is **\$39.78**. The

disputed issue is that the Carrier has paid \$6.08 stating reduced to fair and reasonable. We resubmitted the claims to the Carrier requesting additional payment. The Carrier has nor [sic] responded to our reconsideration request in a timely manner as required by TWCC guidelines.”

2. Respondent: Letter dated 9-10-02.
 “The billed charges for Aloe Vera for date of service 08/31/01 were actually paid in error. This should have been denied as unnecessary medical. Aloe Vera has not been shown in well controlled peer reviewed studies to have sustained efficacy in the treatment of pain. Attached is documentation including a copy of the report of our medical director regarding this item.”

IV. FINDINGS

1. Based on Commission Rule 133.307(d) (1) (2), the only date of service eligible for review is 8-31-01.
2. The carrier denied the billed services as reflected on the EOB as, “M – REDUCED TO FAIR AND REASONABLE.”
3. The following table identifies the disputed services and Medical Review Division's rationale:

DOS	CPT or Revenue CODE	BILLED	PAID	EOB	MARS	REFERENCE	RATIONALE:
8-31-01	Aloe Vera 1 liter	\$45.86	\$6.08	M	No Mar	MFG; Pharmaceutical Fee Guideline	<p>The Carrier has denied the charge in dispute as “ (M) REDUCED TO FAIR AND REASONABLE”.</p> <p>According to documentation supplied by the provider, the disputed service was billed utilizing a TWCC 66a. The billed item is subject to calculations under the Pharmaceutical Fee Guideline. The Provider has included (in their additional information) a copy of RED BOOK’s Ready Price for Coats Aloe. Fee computation = (AWP) \$26.22 x (no. of units) 1= 26.22 x 1.09 = 28.58 + 4.00 = \$32.58. Additional reimbursement is recommended in the amount of \$26.50. (\$32.58 - \$6.08 already paid = \$26.50).</p>
Totals		\$45.86	\$6.08				The Requestor is entitled to reimbursement in the amount of \$26.50 .

V. ORDER

Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Medical Review Division hereby ORDERS the Respondent to remit **\$26.50** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this order.

This Order is hereby issued this 04th day of April 2003.

Lesia Lenart
 Medical Dispute Resolution Officer
 Medical Review Division